United Nations PCNICC/2000/L.1/Rev.1

Preparatory Commission for the International Criminal Court

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Proceedings of the Preparatory Commission at its fourth session (13-31 March 2000)

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Summary*

Rapporteur: Mr. Salah **Suheimat** (Jordan)

1. The Preparatory Commission for the International Criminal Court, established in accordance with resolution F adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, met at United Nations Headquarters from 13 to 31 March 2000, in accordance with General Assembly resolution 54/105 of 9 December 1999.

2. Under paragraph 2 of resolution F of the Conference, the Preparatory Commission shall consist of representatives of States which have signed the Final Act of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court and other States which have been invited to participate in the Conference.

3. Under paragraph 3 of General Assembly resolution 54/105, the Secretary-General was requested to convene the Preparatory Commission, in accordance with resolution F of the Conference, from 13 to 31 March, 12 to 30 June and 27 November to 8 December 2000, to carry out the mandate of that resolution and, in that connection, to discuss ways to enhance the effectiveness and acceptance of the Court.

4. In accordance with paragraph 5 of the same resolution, the Secretary-General invited, as observers to the Preparatory Commission, representatives of organizations and other entities that have received a standing invitation from the General Assembly, pursuant to its relevant resolutions, to participate in the capacity of observers in its sessions and work, and also invited as observers to the Preparatory Commission representatives of interested regional intergovernmental organizations and other interested international bodies, including the international tribunals for the former Yugoslavia and for Rwanda.

5. Under paragraph 6 of resolution 54/105, non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary and its other open meetings in accordance with the rules of procedure of the Commission, receiving copies of the official documents and making available their materials to delegates.

6. The Director of the Codification Division of the Office of Legal Affairs, Mr. Václav Mikulka, acted as Secretary of the Preparatory Commission. The Codification Division provided the substantive servicing for the Commission.

7. The Bureau of the Preparatory Commission, elected at its 1st and 2nd meetings, on 16 and 22 February 1999, continued its work with the following composition:

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* Incorporating documents PCNICC/2000/L.1, PCNICC/1999/L.5/Rev.1 and Add.1 and 2 (those portions the consideration of which was deferred to the next session) and those issued in the following series: PCNICC/2000/WGEC/RT, PCNICC/2000/WGRPE(...)/RT and PCNICC/2000/WGCA/RT.

Chairperson:
Mr. Philippe Kirsch (Canada)

Vice-Chairpersons:
Mr. George Winston McKenzie (Trinidad and Tobago)
Mr. Medard R. Rwelamira (South Africa)
Mr. Muhamed Sacirbey (Bosnia and Herzegovina)

Rapporteur:
Mr. Salah Suheimat (Jordan)

8. At its fourth session, the Preparatory Commission proceeded with its work on the basis of its agenda (PCNICC/1999/L.1), adopted on 16 February 1999.

9. Taking account of the priorities set forth by resolution F of the Conference, the Preparatory Commission agreed on a work plan for the March session, focusing on two essential instruments necessary for the functioning of the Court: the Rules of Procedure and Evidence, and the Elements of Crimes. With respect to the Rules of Procedure and Evidence, the Preparatory Commission concentrated on such rules pertaining to the following parts of the Rome Statute of the International Criminal Court: Part 2 (Jurisdiction, Admissibility and Applicable Law); Part 4 (Composition and Administration of the Court); Part 5 (Investigation and Prosecution); Part 6 (The Trial); Part 8 (Appeal and Revision); Part 9 (International Cooperation and Judicial Assistance); and Part 10 (Enforcement). With regard to the Elements of Crimes, the Preparatory Commission concentrated on the elements of the crime of genocide and of war crimes. The Commission also held a number of meetings and consultations with respect to the crime of aggression.

10. The coordinators, designated by the Chairperson, in consultation with the Bureau, at the first session of the Preparatory Commission,[1] continued their work also during the fourth session of the Preparatory Commission.

11. At its 16th meeting, on 31 March 2000, the Preparatory Commission took note of the oral reports of the coordinators for the Rules of Procedure and Evidence, the Elements of Crimes and the crime of aggression.

12. At the same meeting, in order to facilitate the task of the Preparatory Commission at its next sessions, the Commission requested the Secretariat to prepare an organized and consolidated text of the Rules of Procedure and Evidence and of the Elements of Crimes on the basis of the proceedings as of the end of the current session of the Commission. In addition, the Chairman announced that the Bureau was of the opinion that it would be useful to have an inter-sessional meeting of the Coordinators and sub-coordinators dealing with the Rules of Procedure and Evidence to ensure consistency, avoid duplication and consider the structure of the Rules without making any changes in the substance of the text. The Chairman also announced that Canada had offered to host the meeting and that arrangements were being made to that effect.

13. The Preparatory Commission was addressed by Judge Richard George May of the International Tribunal for the Former Yugoslavia at its 14th meeting, on 20 March 2000, and by Mr. Olara Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict, at its 16th meeting, on 31 March 2000.

[1] For the list of coordinators, see PCNICC/1999/L.5/Rev.1, paras. 11-12.

14. The Preparatory Commission took note of the informal inter-sessional meeting hosted by the Government of Italy and the International Institute of Higher Studies in Criminal Sciences in Siracusa, Italy, from 31 January to 6 February 2000.

15. The Preparatory Commission also noted with satisfaction that during its fourth session a total of nine delegates had made use of the trust fund which, pursuant to paragraph 8 of General Assembly resolution 53/105 of 8 December 1998, had been established to facilitate the participation of the least developed countries in the work of the Commission. The Preparatory Commission also expressed its appreciation for the recent contributions to the trust fund by the Holy See and the United Kingdom of Great Britain and Northern Ireland.

Annex I

List of documents issued at the first, second, third and fourth sessions of the Preparatory Commission, held in 1999 and 2000

[Original: English/French/Spanish]

General documents

First session of the Preparatory Commission (16-26 February 1999)

Symbol	*Description*
PCNICC/1999/L.1	Provisional agenda
PCNICC/1999/L.2	Note by the Secretariat
PCNICC/1999/L.3	Proceedings of the Preparatory Commission at its first session (draft summary)
PCNICC/1999/L.3/Rev.1	Proceedings of the Preparatory Commission at its first session (summary)
PCNICC/1999/INF.1	Provisional membership of the Preparatory Commission (first session)
PCNICC/1999/DP.1	Proposal submitted by Australia: Draft Rules of Procedure and Evidence of the International Criminal Court
PCNICC/1999/DP.2	Proposal submitted by France: General outline of the Rules of Procedure and Evidence
PCNICC/1999/DP.3	Working paper submitted by France: Comments on the proposal by Australia contained in document PCNICC/1999/DP.1 (Part 2)
PCNICC/1999/DP.4	Proposal submitted by the United States of America: Draft elements of crimes (I. General comments; II. Terminology; III. Article 6: Crimes of genocide)
PCNICC/1999/DP.4/Add.1	Addendum: IV. Article 7: Crimes against humanity
PCNICC/1999/DP.4/Add.2	Addendum: V. Article 8: War crimes
PCNICC/1999/DP.4/Add.3	Addendum: VI. Inchoate offences
PCNICC/1999/DP.5	Proposal submitted by Hungary and Switzerland: Elements of Crimes: Article 8 (2) (a) of the Rome Statute of the International Criminal Court

Symbol	*Description*
PCNICC/1999/DP.5/Corr.1	Corrigendum (French and Russian only)
PCNICC/1999/DP.5/Corr.2	Corrigendum (English only)
PCNICC/1999/DP.6	Proposal submitted by France on the Rules of Procedure and Evidence: Part 3 (Trial proceedings), section 3 (Pre-trial phase), subsection 1 (Commencement of investigation and proceedings)
PCNICC/1999/DP.7	Proposal submitted by France on the Rules of Procedure and Evidence: Part 3, section 3, subsection 2 (Conduct of investigation and proceedings)
PCNICC/1999/DP.7/Add.1	Addendum (continued)
PCNICC/1999/DP.7/Add.2	Addendum (continued)
PCNICC/1999/DP.8	Proposal submitted by France concerning the Rules of Procedure and Evidence: Part 3, section 3, subsection 3
PCNICC/1999/DP.8/Add.1	Addendum (continued)
PCNICC/1999/DP.8/Add.2	Addendum (continued)
PCNICC/1999/DP.9	Proposal submitted by Spain: Working paper on Elements of Crimes: Introduction; preliminary observations; elements of the crime of genocide (article 6 of the Statute)
PCNICC/1999/DP.9/Add.1	Addendum: Article 7 of the Statute
PCNICC/1999/DP.9/Add.2	Addendum: Article 8 of the Statute
PCNICC/1999/DP.10	Proposal submitted by France concerning the Rules of Procedure and Evidence: Part 3, section 1, subsection 2
PCNICC/1999/DP.10/Add.1	Addendum: Part 3, section 1, subsection 1 (Seat of the court)
PCNICC/1999/DP.11	Proposal submitted by Bahrain, Iraq, Lebanon, the Libyan Arab Jamahiriya, Oman, the Sudan, the Syrian Arab Republic and Yemen on the crime of aggression

Second session of the Preparatory Commission (26 July-13 August 1999)

Symbol	*Description*
PCNICC/1999/L.4	Proceedings of the Preparatory Commission at its second session (draft summary)
PCNICC/1999/L.4/Rev.1	Proceedings of the Preparatory Commission at its second session (summary)
PCNICC/1999/L.4/Rev.1/Corr.1	Corrigendum
PCNICC/1999/DP.7/Add.1/Rev.1	Revision: proposal submitted by France concerning the Rules of Procedure and Evidence: Part 3, section 3, subsection 2 (Conduct of investigation and proceedings) - Addendum (continued)
PCNICC/1999/DP.8/Add.1/Rev.1	Revision: proposal submitted by France on the Rules of Procedure and Evidence: Part 3, section 3, subsection 3 (Closure of the pre-trial phase) — Addendum (continued)
PCNICC/1999/DP.8/Add.2/Rev.1	Revision: proposal submitted by France concerning the Rules of Procedure and Evidence: Part 3, section 3, subsection 3 (Closure of the pre-trial phase) — Addendum (continued)
PCNICC/1999/DP.12	Proposal submitted by the Russian Federation: Definition of the crime of aggression
PCNICC/1999/DP.13	Proposal submitted by Germany: Definition of the crime of aggression
PCNICC/1999/INF.1/Rev.1	List of delegations: first and second sessions of the Preparatory Commission
PCNICC/1999/INF.2	Compilation of proposals on the crime of aggression submitted at the Preparatory Committee on the Establishment of an International Criminal Court (1996-1998), the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (1998) and the Preparatory Commission for the International Criminal Court (1999)
PCNICC/1999/INF.2/Add.1	Addendum (continued)

Third session of the Preparatory Commission (29 November-17 December 1999)

Symbol	*Description*
PCNICC/1999/L.5	Proceedings of the Preparatory Commission at its first, second and third sessions (16-26 February, 26 July-13 August and 29 November-17 December 1999) (draft summary)
PCNICC/1999/L.5/Rev.1 and Add.1 and 2	Proceedings of the Preparatory Commission at its first, second and third sessions (16-26 February, 26 July-13 August and 29 November-17 December 1999) (summary)
PCNICC/1999/INF/1/Rev.1/Add.1 and 2	List of delegations
PCNICC/1999/INF/3	Rome Statute of the International Criminal Court adopted at Rome on 17 July 1998 — Note by the Secretariat

Fourth session of the Preparatory Commission (13-31 March 2000)

Symbol	*Description*
PCNICC/2000/L.1	Proceedings of the Preparatory Commission at its fourth session (13-31 March 2000) (draft summary)
PCNICC/2000/L.1/Rev.1 and Add.1 and 2	Proceedings of the Preparatory Commission at its fourth session (13-31 March 2000) (summary)
PCNICC/2000/INF/1	List of delegations

Working Group on Rules of Procedure and Evidence

First session of the Preparatory Commission (16-26 February 1999)

Symbol	*Description*
PCNICC/1999/WGRPE/DP.1	Proposed amendments to documents PCNICC/1999/DP.6 and DP.8 submitted by Italy
PCNICC/1999/WGRPE/DP.2	Proposal submitted by Colombia: Comments on the proposals submitted by France (PCNICC/1999/DP.6-DP.8) and Australia (PCNICC/1999/DP.1) on the Rules of Procedure and Evidence

Symbol	*Description*
PCNICC/1999/WGRPE/DP.3	Proposal submitted by Costa Rica concerning the Rules of Procedure and Evidence
PCNICC/1999/WGRPE/DP.4	Proposal submitted by Colombia containing comments on the discussion papers submitted by the Coordinator (documents WGRPE/RT.1 and RT.2)
PCNICC/1999/WGRPE/INF.1	Information note from France for delegations and intergovernmental and non-governmental organizations
PCNICC/1999/WGRPE/RT.1	Discussion paper proposed by the Coordinator: Part 5 of the Rome Statute: Investigation and Prosecution (rules 5.1-5.4)
PCNICC/1999/WGRPE/RT.2	Discussion paper proposed by the Coordinator: Part 5 of the Rome Statute: Investigation and Prosecution (rules 5.5-5.8)
PCNICC/1999/WGRPE/RT.3	Discussion paper proposed by the Coordinator: Part 5 of the Rome Statute: Investigation and Prosecution (rules 5.9-5.10)
PCNICC/1999/WGRPE/RT.3/Corr.1	Discussion paper proposed by the Coordinator: Part 5 of the Rome Statute: Investigation and Prosecution (rules 5.9)
PCNICC/1999/WGRPE/RT.4	Discussion paper proposed by the Coordinator: Part 5 of the Rome Statute: Investigation and Prosecution (rules 5.11-5.21)

Second session of the Preparatory Commission (26 July-13 August 1999)

Symbol	*Description*
PCNICC/1999/WGRPE/DP.5	Proposal submitted by France concerning the Rules of Procedure and Evidence: Recapitulation of the general outline proposed by France
PCNICC/1999/WGRPE/DP.6	Proposal submitted by France concerning the Rules of Procedure and Evidence: Appeal
PCNICC/1999/WGRPE/DP.7	Proposal submitted by France concerning the Rules of Procedure and Evidence: Compensation
PCNICC/1999/WGRPE/DP.8	Proposal submitted by Colombia, Spain and Venezuela concerning the Rules of Procedure and Evidence: Official and working languages

Symbol	*Description*
PCNICC/1999/WGRPE/DP.9	Proposal submitted by Colombia, Spain and Venezuela concerning the Rules of Procedure and Evidence: Reporting judge
PCNICC/1999/WGRPE/DP.10	Proposal submitted by Spain and Venezuela concerning the Rules of Procedure and Evidence: Replacements
PCNICC/1999/WGRPE/DP.11	Proposal submitted by Spain and Venezuela concerning the Rules of Procedure and Evidence: Excusing and disqualification of judges
PCNICC/1999/WGRPE/DP.12	Proposal submitted by Spain and Venezuela concerning the Rules of Procedure and Evidence: Disciplinary measures
PCNICC/1999/WGRPE/DP.13	Proposal submitted by France concerning the Rules of Procedure and Evidence: Section 6. Revision
PCNICC/1999/WGRPE/DP.14	Proposal submitted by Colombia concerning the Rules of Procedure and Evidence: Article 74, paragraph 1, of the Statute of the International Criminal Court
PCNICC/1999/WGRPE/DP.15	Proposal submitted by Colombia concerning the Rules of Procedure and Evidence: Rules relating to Part 6 of the Statute
PCNICC/1999/WGRPE/DP.16	Proposal submitted by Spain concerning the Rules of Procedure and Evidence: Excusing and disqualification: document PCNICC/1999/WGRPE/DP.11 submitted by Spain and Venezuela
PCNICC/1999/WGRPE/DP.17	Proposal submitted by Italy concerning article 70 of the Rome Statute
PCNICC/1999/WGRPE/DP.18	Proposal submitted by Italy on evidence, investigation and the rights of the accused
PCNICC/1999/WGRPE/DP.19	Proposal submitted by Australia on the Rules of Procedure and Evidence: Part 6 of the Rome Statute
PCNICC/1999/WGRPE/DP.20	Proposal submitted by Italy concerning the Rules of Procedure and Evidence: Protection of victims' and witnesses' identity

Symbol	*Description*
PCNICC/1999/WGRPE/DP.21	Proposal submitted by Italy concerning the Rules of Procedure and Evidence: Protection of victims and witnesses
PCNICC/1999/WGRPE/DP.22	Proposal submitted by Croatia concerning the Rules of Procedure and Evidence: Rule 6.9. Privileged witnesses and self-incrimination by a witness
PCNICC/1999/WGRPE/DP.23	Proposal submitted by Croatia concerning the Rules of Procedure and Evidence: Rule 6.6. Amicus curiae and other forms of submission
PCNICC/1999/WGRPE/DP.24	Proposal submitted by Colombia concerning the Rules of Procedure and Evidence: Comments on the Coordinator's proposal (PCNICC/1999/WGRPE/RT.5)
PCNICC/1999/WGRPE/DP.25	Proposal submitted by Austria concerning the Rules of Procedure and Evidence: Article 70. Offences against the administration of justice
PCNICC/1999/WGRPE/DP.26	Proposal submitted by Australia and France on rules to govern the appeal
PCNICC/1999/WGRPE/DP.27	Proposal submitted by the Netherlands in connection with document PCNICC/1999/WGRPE/RT.5
PCNICC/1999/WGRPE/DP.28	Proposed amendment to rule 6.2 of document PCNICC/1999/WGRPE/RT.5 submitted by Andorra, Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, Italy, Mexico, Mozambique, Peru, Portugal, Spain and Venezuela
PCNICC/1999/WGRPE/DP.29	Proposal submitted by Poland concerning the Rules of Procedure and Evidence: Article 70
PCNICC/1999/WGRPE/DP.30	Proposal submitted by Colombia concerning the Rules of Procedure and Evidence: Comments on the Coordinator's proposal (PCNICC/1999/WGRPE/RT.5)
PCNICC/1999/WGRPE/DP.31	Proposal submitted by the Netherlands and Poland concerning the Rules of Procedure and Evidence: Article 70
PCNICC/1999/WGRPE/DP.32	Proposal submitted by Australia and France to govern revision of conviction or sentence

Symbol	*Description*
PCNICC/1999/WGRPE/DP.33	Proposal submitted by Andorra, Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Italy, Mexico, Mozambique, Peru, Portugal, Spain and Venezuela: Amendments to rules 6.7, 6.17, 6.18, 6.21, 6.22 and 6.23 of document PCNICC/1999/WGRPE/RT.5
PCNICC/1999/WGRPE/DP.34	Proposal submitted by France: Commentary on document PCNICC/1999/WGRPE/DP.19
PCNICC/1999/WGRPE/DP.35	Proposal submitted by the Netherlands concerning the Rules of Procedure and Evidence in connection with document PCNICC/1999/WGRPE/DP.20: Rule A. Guardian of the victims' and witnesses' identity
PCNICC/1999/WGRPE/DP.36	Proposal submitted by Colombia: Comments on the discussion paper proposed by the Coordinator (PCNICC/1999/WGRPE/RT.5)
PCNICC/1999/WGRPE/DP.37	Proposal submitted by Colombia: Comments on the report on the international seminar on victims' access to the International Criminal Court (PCNICC/1999/WGRPE/INF.2)
PCNICC/1999/WGRPE/DP.38	Request from the Governments of Bosnia and Herzegovina, Canada, Colombia, Egypt, Portugal, Senegal and Spain regarding the report prepared by Judge Florence Ndepele Mwachande Mumba, Judge Gabrielle Kirk McDonald, Judge Antonio Cassese, Judge Richard George May, Judge Almiro Simoes Rodrigues and Judge Mohammed Bennouna on the Rules of Procedure and Evidence of the Statute
PCNICC/1999/WGRPE/INF.2	Report on the international seminar on victims' access to the International Criminal Court
PCNICC/1999/WGRPE/INF.2/Add.1	Addendum: Annex II (list of experts); and annex III (list of observers)
PCNICC/1999/WGRPE/RT.5/Rev.1	Revised discussion paper proposed by the Coordinator: Rules of Procedure and Evidence related to Part 6 of the Statute
PCNICC/1999/WGRPE/RT.5/Rev.1/Add.1	Addendum: Revised discussion paper proposed by the Coordinator — Part 6 of the Rome Statute: The Trial

Symbol	*Description*
PCNICC/1999/WGRPE/RT.5/Rev.1/ Add.1/Corr.1	Corrigendum
PCNICC/1999/WGRPE/RT.5/Rev.1/ Add.2	Addendum: Revised discussion paper proposed by the Coordinator — Part 6 of the Statute
PCNICC/1999/WGRPE/RT.5/Rev.1/ Add.3	Addendum: Revised discussion paper proposed by the Coordinator — Rules of Procedure and Evidence related to Part 6 of the Statute
PCNICC/1999/WGRPE/RT.6	Revised discussion paper proposed by the Coordinator: Part 5 of the Statute: Rules 5.1 to 5.4. Decision of the Prosecutor on the initiation of an investigation
PCNICC/1999/WGRPE/RT.7	Discussion paper proposed by the Coordinator — Part 8 of the Statute

Third session of the Preparatory Commission (29 November-17 December 1999)

Symbol	*Description*
PCNICC/1999/WGRPE/DP.39	Proposal submitted by Colombia — Comments on document PCNICC/1999/WGRPE/RT.5/ Rev.1 proposed by the Coordinator
PCNICC/1999/WGRPE/DP.39/ Corr.1	Corrigendum
PCNICC/1999/WGRPE/DP.40	Proposal submitted by Colombia — Comments on document PCNICC/1999/WGRPE/RT.5/ Rev.1/Add.1 proposed by the Coordinator
PCNICC/1999/WGRPE/DP.41	Proposal submitted by Colombia — Comments on document PCNICC/1999/WGRPE/RT.5/ Rev.1/Add.2 proposed by the Coordinator
PCNICC/1999/WGRPE/DP.42	Proposal submitted by Colombia — Comments on document PCNICC/1999/WGRPE/RT.5/ Rev.1/Add.3 proposed by the Coordinator
PCNICC/1999/WGRPE/DP.43	Proposal submitted by France concerning Part 2 of the Rome Statute of the International Criminal Court, concerning jurisdiction, admissibility and applicable law
PCNICC/1999/WGRPE/DP.44	Proposal submitted by Australia concerning Part 2 of the Rome Statute of the International Criminal Court, concerning jurisdiction, admissibility and applicable law

Symbol	*Description*
PCNICC/1999/WGRPE/DP.45	Proposal submitted by the United States of America concerning articles 17, 18 and 19 of Part 2 of the Rome Statute
PCNICC/1999/WGRPE/DP.46	Proposal submitted by Bosnia and Herzegovina concerning Part 2 of the Rome Statute of the International Criminal Court (Jurisdiction, admissibility and applicable law)
PCNICC/1999/WGRPE/DP.47	Proposal submitted by Australia and France concerning the Rules of Procedure and Evidence relating to Part 8 of the Rome Statute of the International Criminal Court (Appeal and revision) — Rules relating to article 85 (Compensation to an arrested or convicted person)

Working Group on Rules of Procedure and Evidence (Part 2: Jurisdiction, Admissibility and Applicable Law)*

Third session of the Preparatory Commission (29 November-17 December 1999)

Symbol	*Description*
PCNICC/1999/WGRPE(2)/RT.1	Discussion paper submitted by the Coordinator concerning Part 2 of the Statute, on jurisdiction, admissibility and applicable law
PCNICC/1999/WGRPE(2)/RT.1/ Corr.1	Corrigendum

Fourth session of the Preparatory Commission (13-31 March 2000)

Symbol	*Description*
PCNICC/2000/WGRPE(2)/DP.1	Proposal submitted by Colombia: Comments on document PCNICC/1999/WGRPE(2)/RT.1 submitted by the Coordinator concerning Part 2
PCNICC/2000/WGRPE(2)/DP.2	Proposal submitted by Bolivia, Chile, Colombia, Cuba, Peru and Spain concerning Part 2
PCNICC/2000/WGRPE(2)/DP.3	Proposal submitted by Brazil, Chile, Colombia, Italy, Mexico, Peru, Portugal and Spain on rules of procedure and evidence concerning Part 2: Rule ZZ

* No documents were issued during the first and second sessions of the Preparatory Commission.

Symbol	*Description*
PCNICC/2000/WGRPE(2)/RT.1/Rev.1	Revised discussion paper submitted by the Coordinator concerning Part 2: Rules 2.1 — 2.18
PCNICC/2000/WGRPE(2)/RT.2	Discussion paper submitted by the Coordinator regarding Part 2: Provisions on participation of victims in proceedings under Part 2 — Rules 2.7 and 2.18
PCNICC/2000/WGRPE(2)/RT.3	Discussion paper submitted by the Coordinator regarding Part 2: Rule Q — Definition of victims

Working Group on Rules of Procedure and Evidence (Part 4: Composition and Administration of the Court)*

Second session of the Preparatory Commission (26 July-13 August 1999)

Symbol	*Description*
PCNICC/1999/WGRPE(4)/DP.1	Coordinator's paper: Scheme of work for Part 4: Organization and Composition of the Court
PCNICC/1999/WGRPE(4)/DP.2/Rev.1	Revision: Proposal submitted by Canada, France, Germany and the Netherlands in connection with article 43 of the Rome Statute of the International Criminal Court concerning the Rules of Procedure and Evidence as regards document PCNICC/1999/DP.1: Rule 38 (a) Responsibilities of the Registrar related to the defence
PCNICC/1999/WGRPE(4)/DP.3/Rev.1	Revised proposal submitted by Denmark concerning Part 4, section 2, of the Rules of Procedure and Evidence: Inclusion of a new rule 20 (f): "Alternate and substitute judges"
PCNICC/1999/WGRPE(4)/DP.4	Canadian proposals to PCNICC/1999/WGRPE/INF.2 of 6 July 1999: Workshop 3 — Protection of victims and witnesses
PCNICC/1999/WGRPE(4)/RT.1	Coordinator's discussion paper: Part 4. Organization and Composition of the Court

* No documents were issued during the first session of the Preparatory Commission.

Third session of the Preparatory Commission (29 November-17 December 1999)

Symbol	*Description*
PCNICC/1999/WGRPE(4)/DP.5	Proposal submitted by Angola, Brazil, Chile, Colombia, Cuba, Ecuador, Peru and Spain concerning document PCNICC/1999/WGRPE(4)/RT.3
PCNICC/1999/WGRPE(4)/RT.1/Add.1	Coordinator's discussion paper — Rules that relate to situations that may affect the functioning of the Court — Addendum (continued)
PCNICC/1999/WGRPE(4)/RT.1/ Add.1/Corr.1	Corrigendum
PCNICC/1999/WGRPE(4)/RT.2	Coordinator's discussion paper — Rules relating to the organization of the Court
PCNICC/1999/WGRPE(4)/RT.2/Add.1	Discussion paper proposed by the Coordinator concerning Part 4: Organization of the Office of the Registrar — Addendum (continued)
PCNICC/1999/WGRPE(4)/RT.2/ Add.1/Corr.1	Corrigendum
PCNICC/1999/WGRPE(4)/RT.3	Coordinator's discussion paper — Rules relating to texts, amendments and solemn undertaking. Rules relating to the organization of the Court (replacements and alternate judge)
PCNICC/1999/WGRPE(4)/RT.3/Add.1	Coordinator's discussion paper — Rules relating to a single judge, publication of decisions of the Court, working languages of the Court, translation and interpretation services and procedure applicable to the publication of documents of the Court — Addendum (continued)
PCNICC/1999/WGRPE(4)/RT.3/ Add.1/Corr.1	Corrigendum

Fourth session of the Preparatory Commission (13-31 March 2000)

Symbol	*Description*
PCNICC/2000/WGRPE(4)/DP.1	Proposal submitted by Colombia on Part 4: Comments on the discussion papers submitted by the Coordinator, as incorporated in document PCNICC/1999/L.5/Rev.1/Add.1
PCNICC/2000/WGRPE(4)/DP.2	Proposal submitted by Italy concerning the rules of procedure and evidence relating to Part 4: Rule C
PCNICC/2000/WGRPE(4)/DP.3	Proposal submitted by Italy concerning the rules of procedure and evidence relating to Part 4: Rules relating to the organization of the Court
PCNICC/2000/WGRPE(4)/DP.4	Proposal submitted by the Holy See relating to Part 4: Rules relating to the organization of the Court
PCNICC/2000/WGRPE(4)/DP.5	Proposal submitted by the Holy See, Italy and Poland concerning Part 4: Rules relating to the organization of the Court
PCNICC/2000/WGRPE(4)/DP.6	Proposal submitted by Costa Rica concerning Part 4: Rules relating to victims and witnesses
PCNICC/2000/WGRPE(4)/RT.1	Discussion paper proposed by the Coordinator regarding Part 4: Rules relating to situations that may affect the functioning of the Court
PCNICC/2000/WGRPE(4)/RT.1/Corr.1	Corrigendum — Spanish only
PCNICC/2000/WGRPE(4)/RT.1/Add.1	Addendum: Rules relating to the organization of the Court
PCNICC/2000/WGRPE(4)/RT.1/Add.1/Corr.1	Corrigendum
PCNICC/2000/WGRPE(4)/RT.1/Add.2	Addendum: Rules relating to texts, amendments and solemn undertaking (replacements and alternate judge)
PCNICC/2000/WGRPE(4)/RT.1/Add.2/Corr.1	Corrigendum
PCNICC/2000/WGRPE(4)/RT.1/Add.2/Corr.2	Corrigendum — Spanish only

Working Group on Rules of Procedure and Evidence (Part 5: Investigation and Prosecution)*

Fourth session of the Preparatory Commission (13-31 March 2000)

Symbol	*Description*
PCNICC/2000/WGRPE(5)/DP.1	Proposal submitted by Colombia concerning Part 5: Comments on the working paper submitted by the Coordinator concerning the rules of procedure and evidence relating to Part 5 of the Statute, as incorporated in PCNICC/1999/L.5/Rev.1/Add.1
PCNICC/2000/WGRPE(5)/DP.2	Proposal submitted by Italy concerning Part 5: Rule 5.12
PCNICC/2000/WGRPE(5)/DP.3	Proposal submitted by Italy concerning Part 5: Rule 5.10
PCNICC/2000/WGRPE(5)/DP.4	Proposal submitted by Costa Rica concerning Part 5: Rule 5.10
PCNICC/2000/WGRPE(5)/DP.5	Proposal submitted by Japan concerning Part 5: Rule 5.13
PCNICC/2000/WGRPE(5)/DP.6	Proposal submitted by Japan concerning Part 5: Rules 5.28 to 5.34
PCNICC/2000/WGRPE(5)/RT.1	Discussion paper proposed by the Coordinator regarding Part 5

Working Group on Rules of Procedure and Evidence (Part 6: The Trial)*

Third session of the Preparatory Commission (29 November-17 December 1999)

Symbol	*Description*
PCNICC/1999/WGRPE(6)/RT.1	Revised discussion paper proposed by the Coordinator on Rules of Procedure and Evidence related to Part 6 of the Statute: Rule 6.5
PCNICC/1999/WGRPE(6)/RT.2	Revised discussion paper proposed by the Coordinator on Rules of Procedure and Evidence related to Part 6 of the Statute: Rule 6.4

* No documents were issued during the first and second sessions of the Preparatory Commission.

Fourth session of the Preparatory Commission (13-31 March 2000)

Symbol	*Description*
PCNICC/2000/WGRPE(6)/DP.1	Proposal submitted by Colombia concerning Part 6: Comments on the discussion paper proposed by the Coordinator on rules of procedure and evidence relating to part 6 of the Statute (the Trial), as contained in document PCNICC/1999/L.5/Rev.1/Add.1
PCNICC/2000/WGRPE(6)/DP.2	Proposal submitted by Italy concerning Part 6: Rule 6.28
PCNICC/2000/WGRPE(6)/DP.3	Proposal submitted by Italy concerning Part 6 of the Statute: Rules 6.18, 6.26, 6.29-6.31
PCNICC/2000/WGRPE(6)/DP.4	Proposal submitted by Japan concerning Part 6: Rule 6.31
PCNICC/2000/WGRPE(6)/DP.5	Proposal submitted by Japan concerning Part 6: Rule 6.1
PCNICC/2000/WGRPE(6)/DP.6	Proposal submitted by Costa Rica concerning Part 6: Rules 6.30 and 6.31
PCNICC/2000/WGRPE(6)/DP.7	Proposal submitted by Italy and the Netherlands concerning Part 6: Rule 6.28
PCNICC/2000/WGRPE(6)/RT.1	Discussion paper proposed by the Coordinator regarding Part 6: Rule 6.30 — Rules relating to participation of victims in the proceedings
PCNICC/2000/WGRPE(6)/RT.1/Add.1	Addendum
PCNICC/2000/WGRPE(6)/RT.2	Discussion paper proposed by the Coordinator regarding Part 6: Rule 6.31 — Rules relating to reparations to victims
PCNICC/2000/WGRPE(6)/RT.2/Corr.1	Corrigendum
PCNICC/2000/WGRPE(6)/RT.3	Discussion paper proposed by the Coordinator regarding Part 6: Sub-rule (f) to rule 6.1
PCNICC/2000/WGRPE(6)/RT.4	Discussion paper proposed by the Coordinator regarding Part 6: Rule 6.1
PCNICC/2000/WGRPE(6)/RT.5	Discussion paper proposed by the Coordinator regarding Part 6
PCNICC/2000/WGRPE(6)/RT.6	Discussion paper proposed by the Coordinator regarding Part 6: Rule 6.5
PCNICC/2000/WGRPE(6)/RT.7	Discussion paper proposed by the Coordinator regarding Part 6: Rule 6.9

Working Group on Rules of Procedure and Evidence (Part 7: Penalties)*

Third session of the Preparatory Commission (29 November-17 December 1999)

Symbol	*Description*
PCNICC/1999/WGRPE(7)/DP.1	Proposal submitted by France concerning Part 7 of the Rome Statute of the International Criminal Court, on penalties
PCNICC/1999/WGRPE(7)/DP.2	Proposal submitted by Spain on the Rules of Procedure and Evidence relating to Part 7 of the Rome Statute of the International Criminal Court (Penalties)
PCNICC/1999/WGRPE(7)/DP.3	Proposal submitted by Brazil and Portugal concerning Part 7 of the Rome Statute of the International Criminal Court, on penalties — Determination of the sentence
PCNICC/1999/WGRPE(7)/DP.4	Proposal submitted by Brazil and Portugal concerning Part 7 of the Rome Statute of the International Criminal Court, on penalties — Fines
PCNICC/1999/WGRPE(7)/DP.5	Proposal submitted by Australia, Canada and Germany concerning Part 7 of the Rome Statute of the International Criminal Court, on penalties
PCNICC/1999/WGRPE(7)/RT.1/Rev.1	Revision: Discussion paper proposed by the Coordinator concerning Part 7 of the Rome Statute of the International Criminal Court, on penalties — Rules relating to article 77, paragraph 2 (a)
PCNICC/1999/WGRPE(7)/RT.1/ Add.1	Discussion paper proposed by the Coordinator concerning Part 7 of the Rome Statute of the International Criminal Court, on penalties — Rules relating to article 78 — Addendum
PCNICC/1999/WGRPE(7)/RT.1/ Add.2	Discussion paper proposed by the Coordinator concerning Part 7 of the Rome Statute of the International Criminal Court, on penalties — Rule relating to article 77, paragraph 2(b) — Addendum

* No documents were issued during the first and second sessions of the Preparatory Commission.

Symbol	*Description*
PCNICC/1999/WGRPE(7)/RT.1/ Add.3	Discussion paper proposed by the Coordinator concerning Part 7 of the Rome Statute of the International Criminal Court, on penalties — Rule relating to article 79 — Addendum
PCNICC/1999/WGRPE(7)/RT.2	Discussion paper proposed by the Coordinator concerning Part 7 of the Rome Statute of the International Criminal Court, on penalties — Rules relating to articles 77 to 79
PCNICC/1999/WGRPE(7)/RT.2/ Corr.1	Corrigendum

Fourth session of the Preparatory Commission (13-31 March 2000)

Symbol	*Description*
PCNICC/2000/WGRPE/(7)/DP.1	Proposal submitted by Colombia concerning Part 7: Comments on the discussion paper submitted by the Coordinator on rules of procedure and evidence relating to Part 7 of the Statute, as set out in document PCNICC/1999/L.5/Rev.1/Add.1

Working Group on Rules of Procedure and Evidence (Part 8: Appeal and Revision)*

Third session of the Preparatory Commission (29 November-17 December 1999)

Symbol	*Description*
PCNICC/1999/WGRPE(8)/RT.1	Discussion paper proposed by the Coordinator relating to Part 8 of the Statute, on appeal and revision: Section 4. Revision of conviction or sentence
PCNICC/1999/WGRPE(8)/RT.2	Discussion paper proposed by the Coordinator relating to Part 8 of the Statute, on appeal and revision: Section 5. Compensation to an arrested or convicted person

* No documents were issued during the first and second sessions of the Preparatory Commission.

Fourth session of the Preparatory Commission (13-31 March 2000)

Symbol	*Description*
PCNICC/2000/WGRPE/(8)/DP.1	Proposal submitted by Colombia concerning Part 8: Comments on the discussion paper proposed by the Coordinator on rules of procedure and evidence related to Part 8 of the Statute, as incorporated in document PCNICC/1999/L.5/Rev.1/Add.1
PCNICC/2000/WGRPE(8)/RT.1/Rev.1	Revised discussion paper proposed by the Coordinator regarding Part 8, concerning appeal, revision and compensation

Working Group on Rules of Procedure and Evidence (Part 9: International Cooperation and Judicial Assistance)*

Third session of the Preparatory Commission (29 November-17 December 1999)

Symbol	*Description*
PCNICC/1999/WGRPE(9)/DP.1	Proposal submitted by Italy concerning Part 9 of the Rome Statute of the International Criminal Court, on international cooperation and judicial assistance — Section 1. General provisions
PCNICC/1999/WGRPE(9)/DP.1/ Add.1	Proposal submitted by Italy concerning Part 9 of the Rome Statute of the International Criminal Court, on international cooperation and judicial assistance — Section 3. Other forms of cooperation — Addendum
PCNICC/1999/WGRPE(9)/DP.2	Proposal submitted by France concerning Part 9 of the Rome Statute of the International Criminal Court, on international cooperation and judicial assistance — Part 9 of the Rome Statute
PCNICC/1999/WGRPE(9)/DP.3	Proposal submitted by Spain on the Rules of Procedure and Evidence concerning Part 9 of the Rome Statute of the International Criminal Court, on international cooperation and judicial assistance — Rules in relation to paragraph 3 of article 92 of the Statute (Provisional arrest)

* No documents were issued during the first and second sessions of the Preparatory Commission.

Symbol	*Description*
PCNICC/1999/WGRPE(9)/DP.4	Proposal submitted by Canada and Germany concerning Part 9 of the Rome Statute of the International Criminal Court, on international cooperation and judicial assistance — Article 89, paragraph 4, of the Statute
PCNICC/1999/WGRPE(9)/RT.1	Discussion paper proposed by the Coordinator concerning Part 9 of the Rome Statute of the International Criminal Court, on international cooperation and judicial assistance — Rules relating to article 87 of the Statute
PCNICC/1999/WGRPE(9)/RT.1/ Corr.1	Corrigendum (French only)
PCNICC/1999/WGRPE(9)/RT.1/ Corr.2	Corrigendum (English only)
PCNICC/1999/WGRPE(9)/RT.2	Discussion paper proposed by the Coordinator concerning Part 9 (International cooperation and judicial assistance) — Rules relating to articles 89 to 101 of the Statute
PCNICC/1999/WGRPE(9)/RT.2/ Corr.1	Corrigendum

Fourth session of the Preparatory Commission (13-31 March 2000)

Symbol	*Description*
PCNICC/2000/WGRPE(9)/DP.1	Proposal submitted by Colombia concerning Part 9: Comments on the discussion paper submitted by the Coordinator on rules of procedure and evidence in Part 9 of the Statute, as incorporated in document PCNICC/1999/L.5/Rev.1/Add.1
PCNICC/2000/WGRPE(9)/DP.2	Proposal submitted by Italy concerning Part 9: Rule 9.21
PCNICC/2000/WGRPE(9)/DP.3	Proposal submitted by Poland: Rules 9.1 and 9.2 (b)
PCNICC/2000/WGRPE/(9)/RT.1	Discussion paper proposed by the Coordinator regarding Part 9: Rules relating to article 87 (Requests for cooperation: general provisions)
PCNICC/2000/WGRPE/(9)/RT.1/Corr.1	Corrigendum
PCNICC/2000/WGRPE/(9)/RT.1/Add.1	Addendum: Rules relating to article 89 (Surrender of persons to the Court)

Working Group on Rules of Procedure and Evidence (Part 10: Enforcement)*

Third session of the Preparatory Commission (29 November-17 December 1999)

Symbol	*Description*
PCNICC/1999/WGRPE(10)/DP.1	Proposal submitted by France concerning Part 10 of the Rome Statute of the International Criminal Court, concerning enforcement
PCNICC/1999/WGRPE(10)/DP.2	Proposal submitted by Spain on the Rules of Procedure and Evidence concerning Part 10 of the Rome Statute of the International Criminal Court, concerning enforcement — Rule expanding article 110, paragraph 4 (Review by the Court concerning reduction of sentence)
PCNICC/1999/WGRPE(10)/DP.3	Proposal submitted by Canada and Germany concerning Part 10 of the Rome Statute of the International Criminal Court, on enforcement — article 110 of the Statute
PCNICC/1999/WGRPE(10)/DP.4	Proposal submitted by Brazil, Chile, Colombia, Italy, Mexico, Portugal and Spain concerning Part 10 of the Rome Statute of the International Criminal Court, on enforcement — Rules relating to article 106
PCNICC/1999/WGRPE(10)/RT.1	Discussion paper proposed by the Coordinator concerning Part 10 (Enforcement) — Rules relating to articles 103 and 104 of the Statute
PCNICC/1999/WGRPE(10)/RT.1/Corr.1	Corrigendum
PCNICC/1999/WGRPE(10)/RT.2/Rev.1	Revision: Discussion paper proposed by the Coordinator concerning Part 10 (Enforcement) — Rules relating to articles 105, 106, 110 and 111 of the Statute
PCNICC/1999/WGRPE(10)/RT.2/Rev.1/Corr.1	Corrigendum
PCNICC/1999/WGRPE(10)/RT.3	Discussion paper proposed by the Coordinator concerning Part 10 (Enforcement) — Rules relating to articles 107 to 109 of the Statute
PCNICC/1999/WGRPE(10)/RT.3/Corr.1	Corrigendum (French only)
PCNICC/1999/WGRPE(10)/RT.3/Corr.2	Corrigendum

* No documents were issued in the first and second sessions of the Preparatory Commission.

Fourth session of the Preparatory Commission (13-31 March 2000)

Symbol	*Description*
PCNICC/2000/WGRPE(10)/DP.1	Proposal submitted by Canada, Germany and Switzerland concerning Part 10: Rule relating to articles 107 and 108
PCNICC/2000/WGRPE(10)/DP.2	Proposal submitted by Canada, Germany and Switzerland concerning Part 10: Rule relating to article 108 of the Statute
PCNICC/2000/WGRPE(10)/DP.3	Proposals submitted by Austria concerning Part 10
PCNICC/2000/WGRPE/(10)/RT.1	Discussion paper proposed by the Coordinator regarding Part 10: Rules relating to article 103 (Role of States in enforcement of sentences of imprisonment) and article 104 (Change in designation of State of enforcement)
PCNICC/2000/WGRPE/(10)/RT.1/Corr.1	Corrigendum
PCNICC/2000/WGRPE/(10)/RT.1/Add.1	Addendum: Rules relating to Article 110 (Review by the Court concerning reduction of sentence)

Working Group on Elements of Crimes

First session of the Preparatory Commission (16-26 February 1999)

Symbol	*Description*
PCNICC/1999/WGEC/DP.1	Proposal submitted by France: Comments on the proposal submitted by the United States of America concerning article 6, Crime of genocide (PCNICC/1999/DP.4)
PCNICC/1999/WGEC/DP.2	Proposal submitted by Colombia: Comments on the proposal submitted by the United States of America concerning article 6, Crime of genocide (PCNICC/1999/DP.4)
PCNICC/1999/WGEC/DP.3	Proposal submitted by Colombia: Comments on the proposals by the United States of America (PCNICC/1999/DP.4/Add.2) and Hungary and Switzerland (PCNICC/1999/DP.5 and Corr.2) concerning war crimes

Symbol	*Description*
PCNICC/1999/WGEC/DP.4	Proposal submitted by Algeria, Bahrain, Comoros, Djibouti, Egypt, Jordan, Iraq, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen: Comments on the proposal submitted by the United States concerning terminology and the crime of genocide (PCNICC/1999/DP.4)
PCNICC/1999/WGEC/DP.4/Add.1	Addendum
PCNICC/1999/WGEC/DP.5	Proposal submitted by Japan: Elements of Crimes: Article 8.2 (a) of the Rome Statute of the International Criminal Court
PCNICC/1999/WGEC/DP.6	Proposal submitted by Costa Rica on Elements of Crimes
PCNICC/1999/WGEC/INF.1	Request from the Governments of Belgium, Costa Rica, Finland, Hungary, South Africa and Switzerland regarding the text prepared by the International Committee of the Red Cross on article 8, paragraph 2 (a), of the Rome Statute of the International Criminal Court
PCNICC/1999/WGEC/RT.1	Discussion paper proposed by the Coordinator: Article 6: The crime of genocide
PCNICC/1999/WGEC/RT.2	Discussion paper proposed by the Coordinator: Article 8: War crimes (article 8(2)(a)(i), (ii) and (iii)
PCNICC/1999/WGEC/RT.3	Discussion paper proposed by the Coordinator: Suggested comments relating to the crime of genocide

Second session of the Preparatory Commission (26 July-13 August 1999)

Symbol	*Description*
PCNICC/1999/WGEC/DP.8*	Proposal submitted by Costa Rica, Hungary and Switzerland on certain provisions of article 8, paragraph 2 (b), of the Rome Statute of the International Criminal Court: (viii), (x), (xiii), (xiv), (xv), (xvi), (xxi), (xxii), (xxvi)

* Document PCNICC/1999/WGEC/DP.7 was not issued.

Symbol	*Description*
PCNICC/1999/WGEC/DP.9	Proposal submitted by Spain: working paper on Elements of Crimes: Elements of war crimes (article 8, paragraph 2)
PCNICC/1999/WGEC/DP.10	Proposal submitted by Costa Rica, Hungary and Switzerland on article 8, paragraph 2 (c), of the Rome Statute of the International Criminal Court
PCNICC/1999/WGEC/DP.10/Corr.1	Corrigendum (Spanish only)
PCNICC/1999/WGEC/DP.11	Proposal submitted by Costa Rica, Hungary and Switzerland on certain provisions of article 8, paragraph 2 (e), of the Rome Statute of the International Criminal Court: (v), (vi), (vii), (viii), (xi), (xii)
PCNICC/1999/WGEC/DP.12	Proposal submitted by Japan: Elements of crimes: article 8, paragraph 2 (b) (i) to (xvi)
PCNICC/1999/WGEC/DP.13	Proposal submitted by Belgium concerning article 8, paragraph 2 (c) (iv), of the Statute of the International Criminal Court
PCNICC/1999/WGEC/DP.14	Proposal submitted by Belgium concerning article 8, paragraph 2 (b) (xxii), of the Statute of the International Criminal Court
PCNICC/1999/WGEC/DP.15	Proposal submitted by Colombia: Comments on the proposal submitted by Costa Rica, Hungary and Switzerland on article 8, paragraph 2 (c), of the Rome Statute of the International Criminal Court (PCNICC/1999/WGEC/DP.10)
PCNICC/1999/WGEC/DP.16	Proposal submitted by Colombia: Comments on the Proposal submitted by the delegations of Costa Rica, Hungary and Switzerland concerning article 8, paragraph 2 (b) of the Rome Statute (PCNICC/1999/WGEC/DP.8)
PCNICC/1999/WGEC/DP.17	Proposal submitted by Argentina, Bangladesh and Mexico concerning rule 6.5, "Evidence in cases of sexual violence", contained in document PCNICC/1999/WGRPE/RT.5
PCNICC/1999/WGEC/DP.18	Proposal submitted by the Republic of Korea concerning article 8, paragraph 2 (c) (i)
PCNICC/1999/WGEC/DP.19	Proposal submitted by Belgium concerning article 8, paragraph 2 (b) (xxvi), of the Statute of the International Criminal Court

Symbol	*Description*
PCNICC/1999/WGEC/DP.20	Proposal submitted by Costa Rica, Hungary and Switzerland on article 8, paragraph 2 (b) (i), (ii), (iii), (iv), (v), (vi), (vii), (ix), (xi) and (xii), of the Rome Statute of the International Criminal Court
PCNICC/1999/WGEC/DP.21	Proposal submitted by the Republic of Korea concerning the elements of crimes of the war crime of sexual violence under article 8, paragraph 2 (b) (xxii)
PCNICC/1999/WGEC/DP.22	Proposal submitted by Costa Rica, Hungary and Switzerland on article 8, paragraph 2 (b) (xvii), (xviii), (xix), (xx), (xxiii), (xxiv) and (xxv), of the Rome Statute of the International Criminal Court
PCNICC/1999/WGEC/DP.23	Proposal submitted by Colombia: Comments on the proposal submitted by Costa Rica, Hungary and Switzerland and the proposal submitted by Japan on article 8, paragraph 2 (b) (xiv), (xv) and (xxvi), of the Rome Statute (PCNICC/1999/WGEC/DP.8 and DP.12)
PCNICC/1999/WGEC/DP.24	Proposal submitted by Spain concerning article 8, paragraph 2 (b) (xxiv), of the Rome Statute of the International Criminal Court
PCNICC/1999/WGEC/DP.25	Proposal submitted by Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen on article 8, paragraph 2 (b) (viii): War crime of deporting or transferring population
PCNICC/1999/WGEC/DP.26	Proposal submitted by Colombia on article 8, paragraph 2 (b) (xx), of the Rome Statute of the International Criminal Court
PCNICC/1999/WGEC/DP.27	Proposal submitted by China and the Russian Federation on the elements of article 8, paragraph 2 (c) (i), in the discussion paper proposed by the Coordinator (PCNICC/1999/WGEC/RT.5/Rev.1)

Symbol	*Description*
PCNICC/1999/WGEC/INF.2	Request from the Governments of Belgium, Costa Rica, Finland, Hungary, the Republic of Korea and South Africa and the Permanent Observer Mission of Switzerland to the United Nations regarding the text prepared by the International Committee of the Red Cross on article 8, paragraph 2 (b), (c) and (e), of the Rome Statute of the International Criminal Court
PCNICC/1999/WGEC/INF.2/Add.1	Addendum: Request from the Governments of Belgium, Costa Rica, Finland, Hungary, the Republic of Korea and South Africa and the Permanent Observer Mission of Switzerland to the United Nations regarding the text prepared by the International Committee of the Red Cross on article 8, paragraph 2 (b), (i), (ii), (iii), (iv), (v), (vi), (vii), (ix), (xi) and (xii), of the Statute
PCNICC/1999/WGEC/INF.2/Add.2	Addendum: article 8, paragraph 2 (b) (xvii), (xviii), (xix), (xx), (xxiii), (xxiv) and (xxv)
PCNICC/1999/WGEC/INF.3	Proposals in relation to elements of article 8, paragraph 2 (b) (viii), of the Rome Statute of the International Criminal Court
PCNICC/1999/WGEC/INF.3/Corr.1	Corrigendum
PCNICC/1999/WGEC/RT.4	Discussion paper proposed by the Coordinator: Article 8, paragraph 2 (a)
PCNICC/1999/WGEC/RT.5/Rev.1	Discussion paper proposed by the Coordinator: Article 8, paragraph 2 (c)
PCNICC/1999/WGEC/RT.6	Discussion paper proposed by the Coordinator: Article 8, paragraph 2 (b) (xxii)
PCNICC/1999/WGEC/RT.7	Discussion paper proposed by the Coordinator: Article 8, paragraph 2 (b) (xiii) to (xvi) and (xxvi)
PCNICC/1999/WGEC/RT.8	Discussion paper proposed by the Coordinator: Article 8, paragraph 2 (b) (x) and (xxi)
PCNICC/1999/WGEC/RT.9	Discussion paper proposed by the Coordinator: Article 8, paragraph 2 (b) (i) to (iii)
PCNICC/1999/WGEC/RT.10	Discussion paper proposed by the Coordinator: Article 8, paragraph 2 (b) (vi), (vii), (xi) and (xii)

Third session of the Preparatory Commission (29 November-17 December 1999)

Symbol	*Description*
PCNICC/1999/WGEC/DP.28	Comments by Colombia on document PCNICC/1999/WGEC/RT.5/Rev.1 proposed by the Coordinator
PCNICC/1999/WGEC/DP.29	Comments by Colombia on document PCNICC/1999/WGEC/RT.4 proposed by the Coordinator
PCNICC/1999/WGEC/DP.30	Comments by Colombia on document PCNICC/1999/WGEC/RT.6 proposed by the Coordinator
PCNICC/1999/WGEC/DP.31	Comments by Colombia on document PCNICC/1999/WGEC/RT.7 proposed by the Coordinator
PCNICC/1999/WGEC/DP.32	Comments by Colombia on document PCNICC/1999/WGEC/RT.8 proposed by the Coordinator
PCNICC/1999/WGEC/DP.33	Comments by Colombia on document PCNICC/1999/WGEC/RT.9 proposed by the Coordinator
PCNICC/1999/WGEC/DP.34	Comments by Colombia on document PCNICC/1999/WGEC/RT.10 proposed by the Coordinator
PCNICC/1999/WGEC/DP.35	Commentary submitted by Switzerland on article 7 of the Statute of the International Criminal Court
PCNICC/1999/WGEC/DP.36	Proposal submitted by Canada and Germany on article 7
PCNICC/1999/WGEC/DP.37	Proposal submitted by Costa Rica, Hungary and Switzerland on article 8, paragraph 2 (e) (i), (ii), (iii), (iv), (ix) and (x), of the Rome Statute of the International Criminal Court
PCNICC/1999/WGEC/DP.38	Proposal submitted by Japan on the "structure" of elements for crimes against humanity
PCNICC/1999/WGEC/DP.39	Proposal submitted by Bahrain, Iraq, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Oman, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic and the United Arab Emirates concerning the elements of crimes against humanity

Symbol	*Description*
PCNICC/1999/WGEC/DP.40	Proposal submitted by Colombia — Comments on the discussion on article 8.2 (a), (b) and (e) of the Rome Statute
PCNICC/1999/WGEC/DP.41	Proposal submitted by Colombia — Comments on the proposals submitted by Canada and Germany on article 7 and by Japan on the "structure" of elements for crimes against humanity
PCNICC/1999/WGEC/DP.42	Proposal submitted by Egypt on common elements to be included in all crimes against humanity
PCNICC/1999/WGEC/DP.43	Proposal submitted by Colombia — Comments on the documents submitted by Egypt (PCNICC/1999/WGEC/DP.42), Germany and Canada (PCNICC/1999/WGEC/DP.36) and Bahrain, Iraq, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Oman, Qatar, the Syrian Arab Republic, Saudi Arabia, the Sudan and the United Arab Emirates (PCNICC/1999/WGEC/DP.39)
PCNICC/1999/WGEC/DP.44	Proposal submitted by Colombia on the "structure" of war crimes committed in the context of an armed conflict of a non-international character
PCNICC/1999/WGEC/DP.45	Proposal submitted by China: article 7 (1) (g) (4): Crime against humanity of enforced sterilization, in PCNICC/1999/WGEC/DP.36
PCNICC/1999/WGEC/INF/2/Add.3	Request from the Governments of Belgium, Costa Rica, Finland, Hungary, the Republic of Korea, South Africa and the Permanent Observer Mission of Switzerland to the United Nations regarding the text prepared by the International Committee of the Red Cross on article 8, paragraph 2 (e) (i), (ii), (iii), (iv), (ix) and (x), of the Rome Statute of the International Criminal Court

Symbol	*Description*
PCNICC/1999/WGEC/INF/2/Add.4	Request from the Governments of Belgium, Finland, Hungary, Mexico, the Republic of Korea, South Africa and the Permanent Observer Mission of Switzerland to the United Nations regarding the text prepared by the International Committee of the Red Cross on the mental element in the common law and civil law systems and on the concepts of mistake of fact and mistake of law in both national and international law
PCNICC/1999/WGEC/RT.11	Discussion paper proposed by the Coordinator — Article 8, paragraph 2 (b) (viii)
PCNICC/1999/WGEC/RT.12	Discussion paper proposed by the Coordinator — Article 8, paragraph 2 (e)
PCNICC/1999/WGEC/RT.13	Discussion paper proposed by the Coordinator — Article 8, paragraph 2 (b) (iv), (v), (ix) and (xxix)
PCNICC/1999/WGEC/RT.13/Corr.1	Corrigendum
PCNICC/1999/WGEC/RT.14	Discussion paper proposed by the Coordinator — Article 8, paragraph 2 (b) (xxiii) and (xxv)
PCNICC/1999/WGEC/RT.15	Discussion paper proposed by the Coordinator — Article 8, paragraph 2 (b) (xvii), (xviii), (xix) and (xx)
PCNICC/1999/WGEC/RT.16	Discussion paper proposed by the Coordinator — Article 7 (Crimes against humanity)
PCNICC/1999/WGEC/RT.16/Corr.1	Corrigendum

Fourth session of the Preparatory Commission (13-31 March 2000)

Symbol	*Description*
PCNICC/2000/WGEC/DP.1	Comments by Colombia on documents PCNICC/1999/WGEC/RT.1 and PCNICC/1999/WGEC/RT.3 proposed by the Coordinator
PCNICC/2000/WGEC/DP.2	Comments by Colombia on the elements of crimes of article 7 in document PCNICC/1999/L.5/Rev.1/Add.2

Symbol	*Description*
PCNICC/2000/WGEC/DP.3	Comments by Colombia on the elements of crimes of article 8 in document PCNICC/1999/L.5/Rev.1/Add.2
PCNICC/2000/WGEC/DP.4	Comments by Colombia on the elements of crimes of article 8 (2)(b),(c) and (e) in document PCNICC/1999/L.5/Rev.1/Add.2
PCNICC/2000/WGEC/DP.5	Proposal submitted by Japan on article 8(2)
PCNICC/2000/WGEC/DP.6	Proposal submitted by the Republic of Korea concerning article 8(2)(b)(iv)
PCNICC/2000/WGEC/INF/1	Note: Outcome of the inter-sessional meeting held in Siracusa, from 31 January to 6 February 2000, circulated at the request of Italy and the Netherlands
PCNICC/2000/WGEC/RT.1	Discussion paper proposed by the Coordinator: Article 6
PCNICC/2000/WGEC/RT.2	Discussion paper proposed by the Coordinator: Article 8 — introduction and 8(2)(a)
PCNICC/2000/WGEC/RT.2/Corr.1	Corrigendum
PCNICC/2000/WGEC/RT.2/Corr.2	Corrigendum
PCNICC/2000/WGEC/RT.2/Corr.3	Corrigendum
PCNICC/2000/WGEC/RT.3	Discussion paper proposed by the Coordinator: Article 8(2)(b), (c) and (e)
PCNICC/2000/WGEC/RT.3/Corr.1	Corrigendum
PCNICC/2000/WGEC/RT.4	Discussion paper proposed by the Coordinator: General Introduction

Working Group on the Crime of Aggression*

Third session of the Preparatory Commission (29 November-17 December 1999)

Symbol	*Description*
PCNICC/1999/WGCA/DP.1	Proposal submitted by Greece and Portugal
PCNICC/1999/WGCA/RT.1	Discussion paper proposed by the Coordinator — Consolidated text of proposals on the crime of aggression
PCNICC/1999/WGCA/RT.1/Corr.1	Corrigendum
PCNICC/1999/WGCA/RT.1/Corr.2	Corrigendum (French only)

* No documents were issued during the first and second sessions of the Preparatory Commission.

Fourth session of the Preparatory Commission (13-31 March 2000)

Symbol	*Description*
PCNICC/2000/WGCA/DP.1	Proposal submitted by Colombia on the definition of the crime of aggression and on conditions for the exercise of the jurisdiction of the Court with regard to this crime
PCNICC/2000/WGCA/DP.1/Add.1	Addendum
PCNICC/2000/WGCA/DP.2	Proposal submitted by Colombia on the Italian proposal made orally in the Working Group on 13 March 2000
PCNICC/2000/WGCA/DP.3	Suggestions made orally by Italy on 13 March 2000 with regard to a structure for discussion on the crime of aggression
PCNICC/2000/WGCA/RT.1	Discussion paper proposed by the Coordinator: Preliminary list of possible issues relating to the crime of aggression

Annex II

Rules of Procedure and Evidence

[See PCNICC/2000/L.1/Rev.1/Add.1]

Annex III

Elements of Crimes

[See PCNICC/2000/L.1/Rev.1/Add.2]

Annex IV

Crime of aggression

[Original: English]

(Prepared on the basis of the discussion papers proposed by the Coordinator)[1]

Consolidated text of proposals on the crime of aggression

Definition of the crime of aggression

Option 1

1. For the purposes of the present Statute, [and subject to a determination by the Security Council regarding the act of a State,] the crime of aggression means [the use of the armed force, including the initiation thereof, by an individual who is in a position of exercising control or directing the political or military action of a State, against the sovereignty, territorial integrity or political independence of a State in violation of the Charter of the United Nations.] any of the following acts committed by [an individual] [a person] who is in a position of exercising control or capable of directing the political or military action of a State:

   (a) initiating, or

   (b) carrying out

Variation 1

[an armed attack] [the use of armed force] [a war of aggression] [a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing] against another State [against another State, or depriving other peoples of their rights to self-determination], in [manifest] contravention of the Charter of the United Nations, to violate [to threaten or to violate] the [sovereignty,] territorial integrity or political independence of that State [or the inalienable rights of those people] [except when this is required by the principle of equal rights and self-determination of peoples and the rights of individual or collective self-defence]

Variation 2

an armed attack directed by a State against the territorial integrity or political independence of another State when this armed attack was undertaken in manifest contravention of the Charter of the United Nations with the object or result of establishing a military occupation of, or annexing, the territory of such other State or part thereof by armed forces of the attacking State.

[1] The consolidated text of proposals on the crime of aggression was issued at the third session of the Preparatory Commission and the preliminary list of possible issues relating to the crime of aggression was issued at the fourth session.

Variation 3

Add the following paragraph to paragraph 1, variation 1, above:

2. Provided that the acts concerned or their consequences are of sufficient gravity, [acts constituting aggression include] [the use of the armed force includes] [are] the following [whether preceded by a declaration of war or not]:

   (a) The invasion or attack by the armed forces of a State of a territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

   (b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

   (c) The blockade [of the ports or coasts] of a State by the armed forces of another State;

   (d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;

   (e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

   (f) The action of a State in allowing its territory, which it placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;

   (g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed before, or its substantial involvement therein.

3. When an attack [the use of armed force] under paragraph 1 has been committed, the

   (a) planning

   (b) preparing, or

   (c) ordering

   thereof by an individual who is in a position of exercising control or capable of directing the political or military action of a State shall also constitute a crime of aggression.

Option 2

For the purposes of the present Statute and subject to a prior determination by the United Nations Security Council of an act of aggression by the State concerned, the crime of aggression means any of the following acts: planning, preparing, initiating or carrying out a war of aggression.

Conditions for the exercise of jurisdiction

Option 1

1. The Court shall exercise its jurisdiction with regard to the crime of aggression in accordance with the provisions of article 13 of the Statute.

2. The Security Council shall determine the existence of an act of aggression perpetrated by the State whose national is concerned in accordance with the relevant provisions of the Charter of the United Nations before proceedings take place in the Court with regard to the crime of aggression.

3. The Security Council, acting in accordance with article 13 (b) of the Statute of the International Criminal Court, shall first make a decision establishing that an act of aggression has been committed by the State whose national is concerned.

4. The Court, upon receipt of a complaint relating to the crime of aggression under article 13 (a) or (c), shall, with due regard to the provisions of Chapter VII of the Charter of the United Nations, first request the Security Council to determine whether or not an act of aggression has been committed by the State whose national is concerned.

5. The Security Council shall make a decision upon this request within [6] [12] months.

6. Notification of this decision shall be made by letter from the President of the Security Council to the President of the International Criminal Court without delay.

Variation 1

7. In the absence of a decision of the Security Council within the time-frame referred to in paragraph 5 above, the Court may proceed.

8. The decision of the Security Council under paragraph 5 above shall not be interpreted as in any way affecting the independence of the Court in the exercise of its jurisdiction with regard to the crime of aggression.

Variation 2

7. Notwithstanding the provisions of paragraph 2 above, in the absence of a decision by the Security Council within the time-frame referred to in paragraph 5 above, the Court shall, with due regard to the provisions of articles 12, 14 and 24 of the Charter, request the General Assembly of the United Nations to make a recommendation.

8. The General Assembly shall make such a recommendation within [12] months.

9. Notification of this recommendation shall be made by letter from the President of the General Assembly to the President of the International Criminal Court without delay.

10. In the absence of such a recommendation within the time-frame referred to in paragraph 8 above, the Court may proceed.

11. The decision of the Security Council under paragraph 5 above or the recommendation of the General Assembly under paragraph 8 above shall not be interpreted as in any way affecting the independence of the Court in the exercise of its jurisdiction with regard to the crime of aggression.

Option 2

1. The Court shall exercise its jurisdiction with regard to the crime of aggression subject to a determination by the Security Council in accordance with article 39 of the Charter, that an act of aggression has been committed by the State concerned.

2. When a complaint related to the crime of aggression has been lodged, the Court shall first seek to discover whether a determination has been made by the Security Council with regard to the alleged aggression by the State concerned and, if not, it will request, subject to the provisions of the Statute, the Security Council to proceed to such a determination.

3. If the Security Council does not make such a determination or does not make use of article 16 of the Statute within 12 months of the request, the Court shall proceed with the case in question.

Option 3[2]

For the purposes of the present Statute and subject to a prior determination by the United Nations Security Council of an act of aggression by the State concerned, the crime of aggression means any of the following acts: planning, preparing, initiating or carrying out a war of aggression.

Explanatory note

A. On the definition of the crime of aggression

(i) The previous text represents an attempt to consolidate, to the extent possible, the proposals already made on the question of definition of the crime of aggression for the purpose of the Rome Statute.

(ii) The text accepts two basic principles, which seem to enjoy widespread support: the principle under which the crime of aggression is committed by political or military leaders of a State; and the principle that the planning, preparation or ordering of aggression should be criminalized only when an act of aggression takes place.

(iii) Option 1 presents three variations after the first sentence in paragraph 1. These variations correspond to most of the various approaches that were suggested with regard to definition: general definition, definition based on the object or result of occupying or annexing the territory of the attacked State or part thereof, general definition plus detailed list of acts taken from General Assembly resolution 3314 (XXIX) of 14 December 1974.

[2] Option 3 is duplicated and appears also under the definition of the crime of aggression since it covers the two issues, namely, the definition of the crime and conditions for the exercise of jurisdiction.

(iv) Option 2 covers both the definition and the relationship with the Security Council, and is based, in its definitional part, on article 6 (a) of the Charter of the International Military Tribunal of Nuremberg.

(v) On some points, square brackets appeared to be inevitable to show the different formulas that were suggested. Where part of the text is added in square brackets, this is not intended to indicate lesser support for that part.

B. On the conditions for the exercise of jurisdiction

(i) The text is an attempt to consolidate all the proposals circulated so far on this issue, taking also into account views expressed by delegations from the floor.

(ii) Option 1 is an attempt to reflect views seeking to reconcile the prerogatives of the Security Council with the independence of the Court.

Hence, it is founded on the following considerations:

- Article 5 (2) of the Statute of the International Criminal Court stipulates that the definition of the *crime of aggression* and the conditions under which the Court shall exercise jurisdiction with respect to this crime shall be consistent with the relevant provisions of the Charter of the United Nations;
- As set out in article 39 of the Charter, the Security Council has the responsibility for establishing the existence of an *act of aggression*;
- The Court exercises its jurisdiction over persons on the *crime of aggression* (articles 1, 5 and 25 of the Statute);
- The *crime of aggression* presupposes the existence of an *act of aggression*;
- The trigger mechanism should therefore recognize the primary responsibility of the Security Council to establish the existence of an *act of aggression* in accordance with the relevant provisions of the Charter;
- Variation 2 is based on the assumption that if, for any reason, the Security Council cannot make a decision, the Charter itself provides for an internal mechanism to address the issue.

(iii) Option 3 embodies both the definition and the relationship between the Court and the Security Council, and is based in its conditional part on the proposal as contained in article 23 (2) of the International Law Commission draft statute for the International Criminal Court.

Preliminary list of possible issues relating to the crime of aggression

Discussion paper proposed by the Coordinator

A possible checklist of issues to be addressed in developing proposals for a provision on aggression in accordance with article 5, paragraph 2, of the Rome Statute and resolution F, paragraph 7, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court

N.B. This preliminary list of possible issues is based on an initial review of the Rome Statute with a view to determining the provisions that may in some way be related to the definition of the crime of aggression. This non-exhaustive list is intended to facilitate a thematic discussion of possible issues most of which are closely interrelated.

I. Possible issues relating to the Rome Statute

- **Definition**

  (i) Whether the definition should be more general in nature referring to what may be the essential characteristics of the crime of aggression.
  (Possible instruments of reference: Charter of the United Nations; Nürnberg Charter; Draft Code of Crimes against the Peace and Security of Mankind; case law and other documents)

  (ii) Whether the definition should include a more specific list of acts which could constitute the crime of aggression.
  (Possible instrument of reference: General Assembly resolution 3314 (XXIX))

  (iii) Whether it would be possible to identify some acts listed in resolution 3314 (XXIX) and add them to the general definition of the crime of aggression.

- **Conditions under which the Court shall exercise jurisdiction**

  (i) What role should be played by the Security Council in relation to the jurisdiction of the Court over the crime of aggression?

  (ii) What action, if any, could be taken in the event that the Security Council fails or otherwise declines to determine that an act of aggression has occurred?

  (iii) What are the legal effects on the functions of the Court arising from a determination by the Security Council that an act of aggression was committed by a State?

- **Consistency with the relevant provisions of the Charter of the United Nations**

- **Complementarity and admissibility**

How would the provisions of the Statute on complementarity (admissibility, challenges to the Court's jurisdiction) be applicable to the crime of aggression? (This could include issues dealt with in preambular paragraphs 6 and 10, article 1, as well as articles 12 to 19 of the Rome Statute.)

- ***Ne bis in idem***

Applicability of exceptions to the crime of aggression (Rome Statute, art. 20 (3), only refers to crimes in arts. 6, 7 and 8).

- **General principles of criminal law**

Consider the relationship between the definition of the crime of aggression and the articles on general principles of criminal law:

(i) *Nullum crimen sine lege* (art. 22)

(ii) *Nulla poena sine lege* (art. 23)

(iii) Non-retroactivity *ratione personae* (art. 24)

(iv) Individual criminal responsibility (art. 25)

(v) Exclusion of jurisdiction over persons under eighteen (art. 26)

(vi) Irrelevance of official capacity (art. 27)

(vii) Responsibility of commanders and other superiors (art. 28)

(viii) Non-applicability of statute of limitations (art. 29)

(ix) Mental element (art. 30)

(x) Grounds for excluding criminal responsibility (art. 31)

(xi) Mistake of fact or mistake of law (art. 32)

(xii) Superior orders and prescription of law (art. 33)

- **Investigation and prosecution**

Consider the provisions concerning the investigation and prosecution of crimes with respect to the crime of aggression (e.g., initiation of an investigation (art. 53))

- **National security information**

Consider the provisions concerning the protection of national security information in relation to the crime of aggression (art. 57 (3) (c), art. 72, art. 93 (4) and art. 99 (5))

- **International cooperation and judicial assistance**

These provisions may require further consideration depending upon the applicability of the principle of complementarity to the crime of aggression.

The following parts of the Rome Statute do not appear to raise possible issues regarding the definition of the crime of aggression:

Part 4. Composition and Administration of the Court;

Part 7. Penalties (The penalties set forth in article 77 are applicable to all crimes referred to in article 5.);

Part 8. Appeal and Revision;

Part 10. Enforcement;

Part 11. Assembly of States Parties;

Part 12. Financing;

Part 13. Final Clauses (The provision on aggression is to be adopted in accordance with articles 121 and 123 pursuant to article 5 of the Rome Statute.)

II. Possible issues relating to the Elements of Crimes

- The elements of the crime of aggression are provided for in resolution F rather than article 9 of the Rome Statute.
- Consider the structure and general provisions of the elements of the other crimes prepared pursuant to article 9 of the Rome Statute to ensure consistency.

III. Possible issues relating to the Rules of Procedure and Evidence

- Review the final text of the Rules of Procedure and Evidence prepared by the Preparatory Commission to determine whether there are provisions that require consideration in relation to the definition of the crime of aggression.

IV. Other possible issues

- What are the legal effects on the ICC of a decision of the International Court of Justice concerning aggression?